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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GABRIEL DIOP,

Defendant.

CASE NO. 2:21-CR-00106-MCE

STIPULATION RE DISSEMINATION OF
DISCOVERY MATERIALS; PROTECTIVE
ORDER

STIPULATION

Pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure, the United States of America (the “government”) and the defendant, by and through their respective counsel of record, stipulate and agree as follows, and respectfully request that the Court find and order the following:

1. The government shall produce discovery containing personal identifying information of third parties subject to this stipulation and associated protective order.

2. Certain documents and items of evidence in the government’s anticipated discovery productions contain names and personal identifying information of other individuals (hereinafter, the “Protected Material”). Such personal identifying information includes, but is not limited to, surnames, street addresses, telephone numbers, driver license numbers, Social Security numbers, dates of birth, professional license numbers, and any other alphanumeric identifiers attributed to any person.

3. Any pages or items of discovery that contain no personal identifying information or which have had the personal identifying information completely redacted are not subject to this Order.

1 4. The Protected Material is now and will forever remain the property of the government.
2 Protected Material is entrusted to defense counsel only for purposes of representation in this case.
3 Defense counsel will return discovery or certify that it has been shredded at the conclusion of the case or
4 upon the termination of defense counsel's document retention obligations, whichever is later.

5 5. Defense counsel will store Protected Material in a secure place and will use reasonable
6 care to ensure that it is not disclosed to individuals not authorized to access such material under this
7 agreement.

8 6. Counsel for the defendant shall not give Protected Material or any copy of Protected
9 Material to any person other than counsel's staff, investigator, or retained expert(s). The terms "staff,"
10 "investigator," and "expert" shall not be construed to describe any defendant or other person not either
11 regularly employed by counsel or a licensed investigator or expert hired in this case.

12 7. Any person receiving Protected Material or a copy of Protected Material from defense
13 counsel shall be bound by the same obligations as counsel and may not give Protected Material to
14 anyone (except that Protected Material shall be returned to counsel). Counsel shall maintain a list of
15 persons to whom any copies of Protected Material have been given. Such persons shall sign a copy of
16 this Stipulation and Order.

17 8. The defendant may review Protected Material and be aware of its contents, but as of the
18 date this Order is entered, shall not be given control of Protected Material or any copies thereof.
19 Notwithstanding the foregoing, counsel is permitted to provide the defendant with copies of documents
20 otherwise classifiable as Protected Material so long as counsel completely redacts all personal
21 identifying information from those documents prior to providing them to the defendant.

22 9. Defense counsel shall advise government counsel of any subpoenas, document requests,
23 or claims for access to the discovery by third parties in order that the government may take action to
24 resist or comply with such demands as it may deem appropriate, to the degree that such advice does not
25 conflict with other of defense counsel's legal or ethical obligations arising from the presence of any
26 subpoenas, document requests, or claims for access to the discovery by third parties.

27 10. The foregoing notwithstanding, after any trial confirmation hearing in this case, counsel,
28 staff, and investigator for the defendant who have confirmed for trial may make copies of Protected

Material for trial preparation and presentation. Any copies must, however, remain in the possession of said counsel, staff, investigator, expert, or the Court.

IT IS SO STIPULATED.

Dated: September 24, 2021

PHILLIP A. TALBERT
Acting United States Attorney

By: /s/ SAM STEFANKI
SAM STEFANKI
Assistant United States Attorney

Dated: September 24, 2021

/s/ JENNIFER MOUZIS
JENNIFER MOUZIS
Counsel for Defendant GABRIEL DIOP

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED

Dated: September 24, 2021


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE